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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 8 February 2006 from the Permanent Mission of India to the United Nations addressed to the Chairman of the Committee

Further to the letter of the Chairman dated 16 January 2006, I have the honour to transmit herewith the additional information and clarifications sought by the 1540 Committee.

(*Signed*) Nirupam **Sen**

06-25236 (E) 080306

Annex to the letter dated 8 February 2006 from the Permanent Mission of India to the United Nations addressed to the Chairman of the Committee

Inputs from the Government of India on the implementation of Security Council resolution 1540 (2004) on weapons of mass destruction and non-State actors

1. The Government of India has since the submission of its report on implementation of the UNSC Resolution 1540 in November 2004 (S/AC.44/2004/(02)/62), taken additional steps to further strengthen its existing legislative and regulatory mechanism for exercising controls over weapons of mass destruction and their related materials with the view that these do not fall into the hands of non-state actors or unscrupulous elements. A brief summary of the same was forwarded to the Chairman of the Committee established pursuant to Resolution 1540 vide letter No. NY/PMI/152/04/2004 of 16 January 2006.

2. The Weapons of Mass Destruction and Their Delivery Systems (Prohibition of unlawful Activities) Act, an overarching legislation that deals in a comprehensive and coordinated manner with respect to chemical, biological and nuclear weapons and their delivery systems and related materials, equipment and technologies, was enacted in June 2005. Contravention of the provisions of this Act are also punishable under various laws such as the Indian Penal Code 1860, the Explosives Act, 1884, the Explosives Substances Act 1906, the Arms Act, 1959, the Atomic Energy Act, 1962, the Unlawful Activities Act, 1986, Foreign Trade (Development and Regulation) Act, 1992 and the Chemical Weapons Convention Act 2000.

3. Enclosed herewith are clarifications sought by UNSCR 1540 Committee in the Matrix format.

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OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: India

Date of report: 1 November 2004

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	report (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	***India is a party to the BTWC and CWC. India remains committed to universal and non-discriminatory elimination of all Weapons of Mass Destruction and their delivery systems through an inclusive process.***	
2	General statement on commitment to disarmament and non-proliferation	X	Commitment to prevent the proliferation of WMD, their means of delivery and related materials.	page 14 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Preventing access to WMD and their means of delivery to non-State actors is a matter of national policy for the Government of India.	page 2 of the report
4	Biological Weapons Convention (BWC)	X	Ratified in 1974.	page 5 of the report.
5	Chemical Weapons Convention (CWC)	X	***Original signatory in 1993 and ratified in 1996.***	page 4 of the report ***India is a declared possessor state under the CWC, which has met all the destruction timelines of the Convention.***
6	Nuclear Non-Proliferation Treaty (NPT)			

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7	Comprehensive Nuclear Test Ban Treaty (CTBT)			
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	***Accession 12 March 2002.***	page 9 of the report
9	Hague Code of Conduct (HCOC)			
10	Geneva Protocol of 1925	X	*Deposit 09 April 1930*	*http://disarmament.un.org:8080/TreatyStatus.nsf*
11	International Atomic Energy Agency (IAEA)	X	*Since 1957*	*http://www.iaea.org/About/Policy/MemberStates/*
12	Nuclear Weapons Free Zone Protocol(s)			
13	Other Conventions/Treaties		***India ratified the Convention on Nuclear Safety in March 2005.***	
14	Other Arrangements			
15	Other			

OP 2 - Biological Weapons (BW)

State: India
Date of Report: 1 November 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		report
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	*Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Act 2005 (Section 8)*	X	*WMD Act 2005 (Sections 14 and 15) Maximum penalty under this Act could extend upto life imprisonment.*	*The Act would be hereinafter referred to as WMD Act 2005.*
2 acquire	X	*Same as above*	X	*Same as above*	
3 possess	X	*1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, (Sections 10 and 23).* *2. WMD Act 2005 (Section 8).*	X	1.Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10 and 23. ***Maximum penalty under this Ordinance could be death /life imprisonment.*** ***2. WMD Act 2005 (Sections 14 and 15).***	page 3 of the report
4 stockpile/store	X	*Same as above*	X	*Same as above*	
5 develop	X	*WMD Act 2005 (Section 8)*	X	*WMD Act 2005 (Sections 14 and 15)*	
6 transport	X	*WMD Act 2005 (Section 8)*	X	*WMD Act 2005 (Sections 14 and 15)*	
7 transfer	X	*WMD Act 2005 (Section 8)*		*WMD Act 2005 (Sections 14 and 15)*	

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8	use	X	***Unlawful Activities (Prevention) Amendment Ordinance, 2004 (Sections 15 and 16).***	X	Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 15 and 16.	page 3 of the report
9	participate as an accomplice in a.m. activities	X	***1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, (Sections 17, 18 and 19).***	X	**1.**Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 17, 18 and 19.	page 3 of the report
10	assist in a.m. activities	X	***2. Foreign Exchange Management Act (FEMA) 1999.***	X	***2. Foreign Exchange Management Act (FEMA) 1999.***	
11	finance a.m. activities	X	***3. Prevention of Money Laundering Act (PMLA) 2002.***	X	***3. Prevention of Money Laundering Act (PMLA) 2002.***	pages 3 and 4 of the report
12	a.m. activities related to means of delivery	X	***WMD Act 2005 (Section 8).***	X	***WMD Act 2005 (Sections 14 and 15).***	
13	involvement of non-State actors in a.m. activities	X	***1.Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10, 15-19 and 23.*** ***2.WMD Act 2005 (Section 8)***	X	1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10, 15-19 and 23. ***2. WMD Act 2005 (Sections 14 and 15)***	page 3 of the report
14	Other					

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OP 2 - Chemical Weapons (CW)

State: **India**

Date of Report: **1 November 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		report
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. CWC Act 2000, Section 13 ***2. *The convention forms a part of the Chemical Weapons Convention Act as per clause 3(1) of the CWC Act.*** ****Chapter 3, Sections 13 to 17 detail prohibition and regulation of chemical weapons and toxic chemicals.*** ***3. WMD Act 2005 (Section 8)***	X	1. CWC Act 2000, Section 40 ***Maximum penalty under this Act could be life imprisonment.*** 2. ***WMD Act 2005 (Sections 14 and 15).***	page 4 of the report
2	acquire	X	1. CWC Act 2000, Section 13 2. ***WMD Act 2005 (Section 8)***	X	CWC Act 2000, Section 40	page 4 of the report
3	possess	X	1. CWC Act 2000, Section 13: retention ***2. WMD Act 2005 (Section 8)*** ***3. Unlawful Activities (Prevention) amendment Ordinance, 2004, Sections 10 and 23.***	X	1. CWC Act 2000, Section 40 2. Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10 and 23. ***3. WMD Act 2005 (Sections 14 and 15)***	pages 3 and 4 of the report
4	stockpile/store	X	1. CWC Act 2000, Section 13 2. ***WMD Act 2005 (Section 8)*** ***3. Unlawful Activities (Prevention) amendment Ordinance, 2004, Sections 10 and 23.***	X	***Same as above***	page 4 of the report
5	develop	X	1. CWC Act 2000, Section 13 2. ***WMD Act 2005 (Section 8)***	X	1. CWC Act 2000, Section 40 2. ***WMD Act 2005 (Sections 14 and 15)***	page 4 of the report

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6	transport	X	***1. Provisions in the CWC Act relating to transfer are also applicable to transport 2. WMD Act 2005 (Section 8)***	X	***WMD Act 2005 (Sections 14 and 15)***	
7	transfer	X	1. CWC Act 2000, Section 13 2. ***WMD Act 2005 (Section 8)***	X	1. CWC Act 2000, Section 40 2. ***WMD Act 2005 (Sections 14 and 15)***	page 4 of the report
8	use	X	1. CWC Act 2000, Section 13 2. ***Unlawful Activities (Prevention) amendment Ordinance, 2004, Sections 15 and 16.***	X	1. CWC Act 2000, Section 40 2. Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 15 and 16.	pages 3 and 4 of the report
9	participate as an accomplice in a.m. activities	X	***1. Unlawful Activities (Prevention) amendment Ordinance, 2004, Sections 17,18.and 19 2. Foreign Exchange Management Act (FEMA) 1999 3. Prevention of Money Laundering Act (PLMA)2002***	X		
10	assist in a.m. activities	X	***1. Unlawful Activities (Prevention) amendment Ordinance, 2004, Sections 17,18.and 19 2. Foreign Exchange Management Act (FEMA) 1999 3. Prevention of Money Laundering Act (PLMA)2002***	X	1.Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 17, 18 and 19. ***2. Foreign Exchange Management Act (FEMA) 1999 3. Prevention of Money Laundering Act (PLMA) 2002***	page 3 of the report
11	finance a.m. activities	X	1. Foreign Exchange Management Act (FEMA) 1999 2. Prevention of Money Laundering Act (PMLA) 2002	X		pages 3 and 4 of the report

12	a.m. activities related to means of delivery	X	***1. WMD Act 2005 (Section 8)*** ***2. CWC Act 2000***		***1. WMD Act 2005 (Sections 14 and 15)*** ***2. CWC Act 2000***	
13	involvement of non-State actors in a.m. activities	X	***1.CWC Act 2000*** ***2. WMD Act 2005 (Section 9)*** ***3. Unlawful Activities (Prevention) amendment Ordinance, 2004, Sections 10 , 15-19 and 23.***	X	1.Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10, 15-19 and 23. 2. ***WMD Act 2005 (Sections 14,15)***	page 3 of the report
14	Other	X	***CWC Act 2000***	X	Has met all destruction deadlines under the CWC	page 4 of the report

OP 2 - Nuclear Weapons (NW)

State: **India**

Date of Report: **1 November 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Report
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X		X	***1. Atomic Energy Act, 1962***	
2 acquire	X		X	***2. WMD Act, 2005***	
3 possess	X	***1. Atomic Energy Act, 1962*** ***2. WMD Act 2005 (Sections 8 and 13)***	X	1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10 and 23. ***2. Atomic Energy Act, 1962.*** ***3. WMD Act, 2005***	page 3 of the report
4 stockpile/store	X		X		
5 develop	X		X	***1. Atomic Energy Act, 1962***	
6 transport	X		X	***2. WMD Act, 2005***	
7 transfer	X		X		
8 use	X	***1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, (Sections 15 and 16).*** ***2. Atomic Energy Act, 1962.*** ***3. WMD Act, 2005***	X	1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 15 and 16. ***2. Atomic Energy Act, 1962.*** ***3. WMD Act, 2005***	page 3 of the report

9	participate as an accomplice in a.m. activities	X	1. WMD Act, 2005 (Sections 9 and 10) 2. Foreign Exchange Management Act (FEMA) 1999 3. Prevention of Money Laundering Act (PMLA) 2002	X	1. WMD Act, 2005 (Sections 14 and 15) 2. Unlawful Activities (Prevention) Amendment Ordinance, 2004 (Sections 17, 18 and 19). 3. Foreign Exchange Management Act (FEMA) 1999 4. Prevention of Money Laundering Act (PMLA) 2002	page 3 of the report
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X		X		pages 3 and 4 of the report
12	a.m. activities related to means of delivery	X	WMD Act, 2005 (Sections 9 and 10)	X	WMD Act, 2005 (Sections 14 and 15)	
13	involvement of non-State actors in a.m. activities	X	1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, (Sections 10, 15-19 and 23) 2. WMD Act, 2005 (Sections 9 and 10)	X	1. Unlawful Activities (Prevention) Amendment Ordinance, 2004, Sections 10, 15-19 and 23 2. WMD Act, 2005 (Sections 14 and 15)	pages 3 and 4 of the report
14	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **India**

Date of Report: **1 November 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		report
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	***Rules, 1989 of the Environment (Protection) Act, 1986 and Recombinant DNA Safety Guidelines 1990 through Institute Bio-safety Committees (IBSC), Review Committee on Genetic Manipulation (RCGM) and Genetic Engineering Approval Committee (GEAC).***	X	***Rules, 1989 of the Environment (Protection) Act, 1986 and Recombinant DNA Safety Guidelines 1990 through Institute Bio-safety Committees (IBSC), Review Committee on Genetic Manipulation (RCGM) and Genetic Engineering Approval Committee (GEAC).***	
2	Measures to account for use	X	***Same as above***	X	***Same as above***	
3	Measures to account for storage	X	***Same as above***	X	***Same as above***	
4	Measures to account for transport	X	***Same as above***	X	***Same as above***	
5	Other measures for accounting	X	***Same as above***	X	***Same as above***	
	Measures to secure production	X	1. The Environment (Protection) Act 1986	X	The Environment (Protection) Act 1986 (Section 15)	page 6 of the report
7	Measures to secure use	X	2. Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically	X		
8	Measures to secure storage	X	Engineered Organisms and Cells 1989	X		
9	Measures to secure transport	X	The Environment (Protection) Act 1986	X	The Environment (Protection) Act 1986 (Section 15)	page 6 of the report
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	***The Indian Recombinant DNA Safety Guidelines and Regulations 1990.***	X	***The Indian Recombinant DNA Safety Guidelines and Regulations 1990.***	

12	Licensing/registration of facilities/persons handling biological materials	X	***Rules, 1989 of the Environment (Protection) Act, 1986 and Recombinant DNA Safety Guidelines 1990 through Review Committee on Genetic Manipulation (RCGM) and Genetic Engineering Approval Committee (GEAC) (Provides letter of permit).***	X	Use of pathogenic micro-organism or any genetically engineered organisms or cells for the purpose of research is permitted only in laboratories authorized for the purpose.	page 7 of the report
13	Reliability check of personnel	X	1. Official Secrets Act 1923 2. Central Civil Services (CCS) Conduct Rules, 1964	X	Official Secrets Act 1923	page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	***WMD Act 2005 (Section 8)***	X	***WMD Act 2005 (Sections 14 and 15)***	
15	Regulations for genetic engineering work	X	1. The Environment (Protection) Act 1986 2. Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically Engineered Organisms and Cells of 1989 3. Recombinant DNA Safety Guidelines 1990	X	1. The Environment (Protection) Act 1986, Section 15 2. Review Committee on Genetic Manipulation (RCGM) ***and Genetic Engineering Approval Committee (GEAC)*** reviews all projects	pages 6 and 7 of the report
16	Other legislation/ regulations related to safety and security of biological materials	X	***1. The Environment (Protection) Act, 1986*** ***2. Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically Engineered Organisms and Cells of 1989*** ***3. Recombinant DNA Safety Guidelines 1990***	X	***1. The Environment (Protection) Act, 1986*** ***2 . Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically Engineered Organisms and Cells of 1989*** ***3. Recombinant DNA Safety Guidelines 1990***	
17	Other	X	The Environment (Protection) Act 1986: handling defined broadly.	X	More than 300 Institutional Bio-Safety Committees.	pages 6 and 7 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **India**

Date of Report: **1 November 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		report
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X		
2 Measures to account for use	X		X		page 4 of the report
3 Measures to account for storage	X		X		
4 Measures to account for transport	X		X		
5 Other measures for accounting	X		X		
6 Measures to secure production	X	*1. Provisions of CW Convention form part of the CWC Act in terms of the Section 3(1)* *2. Declarations in respect of scheduled chemicals and a relatively large number of plants sites producing other Organic Chemical Industries are made. (CWC Act - Section 8) applicable to columns 1 to 11*	X	*CWC Act 2000 applicable to columns 1 to 11*	
7 Measures to secure use	X		X		
8 Measures to secure storage	X		X		
9 Measures to secure transport	X		X		

10	Other measures for securing	X		X		
11	Regulations for physical protection of facilities/materials/ transports	X		X		
12	Licensing of chemical installations/entities/use of materials	X	***CWC Act 2000 (Section 15)***	X	***CWC Act 2000***	
13	Reliability check of personnel	X	1.Official Secrets Act 1923 2.Central Civil Services (CCS) Conduct Rules, 1964	X	Official Secrets Act 1923	page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	***WMD Act 2005 (Section 8)***	X	***WMD Act 2005 (Sections 14 and 15)***	
15	National CWC authority	X	CWC National Authority			page 5 of the report
16	Reporting Schedule I, II and III chemicals to OPCW	X	CWC National Authority makes annual submissions.			page 5 of the report
17	Account for, secure or physically protect old chemical weapons	X	***CWC Act 2000***	X	Only State Party to have met all destruction deadlines.	page 4 of the report
18	Other legislation/ regulations controlling chemical materials	X	CWC Act 2000	X	CWC Act 2000	page 4 of the report
19	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **India**

Date of Report: **1 November 2004**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	Atomic Energy Act 1962 and rules, orders, and notifications	X	1 ***Nuclear Materials Accounting Cell*** (NUMAC), Department of Atomic Energy, operates the State System of Accounting and Control 2. Atomic Energy Act 1962 and rules, orders, and notifications, Section 24	pages 8 and 9 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting					
6	Measures to secure production	X	Atomic Energy Act 1962 and rules, orders, and notifications	X	1 ***Nuclear Materials Accounting Cell*** (NUMAC), Department of Atomic Energy, operates the State System of Accounting and Control 2. Atomic Energy Act 1962 and rules, orders, and notifications, Section 24	pages 8 and 9 of the report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Atomic Energy Act 1962 and rules, orders, and notifications	X	Comprehensive measures are in place for physical protection and security of nuclear installations	pages 8 and 9 of the report
12	Licensing of nuclear installations/entities/use of materials	X	Atomic Energy Act 1962 and rules, orders, and notifications, Sections ***14 and*** 16	X	Atomic Energy Act 1962 and rules, orders, and notifications, Section 24.	pages 8 and 9 of the report
13	Reliability check of personnel	X	1.Official Secrets Act 1923 2.Central Civil Services (CCS) Conduct Rules, 1964	X	Official Secrets Act 1923	page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	***WMD Act 2005 (Section 8)***	X	***WMD Act 2005 (Sections 14 and 15)***	

15	National regulatory authority	X	Department of Atomic Energy ***Atomic Energy Regulatory Board.***	X	***Atomic Energy Act 1962 and rules, orders, and notifications, Section 24.***	pages 8 to 10 of the report
16	IAEA Safeguards Agreements	X	*Safeguards Agreement 01 March 1994.*			*http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf*
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	India supports the Code.			page 9 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources					
19	Other Agreements related to IAEA	X	***Convention on Nuclear Safety***			
20	Additional national legislation/regulations related to nuclear materials including CPPNM					
21	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: India
Date of Report: 1 November 2004

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework: YES	National legal framework: if YES, indicate source document	Enforcement: civil/criminal penalties, and measures of implementation, etc: YES	Enforcement: civil/criminal penalties, and measures of implementation, etc: if YES, indicate source document	report
1	Border control	X	1.The Customs Act, 1962 ***2. The Central Excise Act 1944***	X	1.The Customs Act, 1962 ***2. The Central Excise Act 1944***	pages 13 and 14 of the report
2	Technical support of border control measures	X	***Customs laboratories are available at ports at the borders. Samples from laboratories could also be referred to other testing facilities if need be or in case of doubt.***			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	***WMD Act 2005 (Section 12)***	X	***WMD Act 2005 (Section 17)***	
4	Enforcement agencies/authorities	X	***1. Central Board of Excise and Customs*** ***2. Directorate of Revenue Intelligence***	X	***Directorate of Revenue Intelligence and*** various agencies of the Government are empowered to enforce export control provisions	page 13 of the report

5	Export control legislation in place	X	1. The Explosive Substances Act 2. The Narcotic Drugs and Psychotropic Substances Act, 1985 3. The Environment Protection Act, 1986 4. The Customs Act, 1962 5.The Arms Act, 1959 6. The Foreign Trade (Development and Regulation) Act, 1992 (No. 22 of 1992) 7. Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically Engineered Organisms and Cells of 1989 ***8. WMD Act 2005 (Section 11)*** ***9. The Central Excise Act 1944***	X	1.***FT(D&R) Act 1992 for civil penalties*** 2. The Customs Act, 1962 3. The Environment Protection Act, Section 15 4. Legislative provisions are in place under the relevant Acts for initiating quasi-judicial and departmental proceedings on the enforcement side ***5. WMD Act 2005 (Section 17)*** ***6. The Central Excise Act 1944***	pages 6, 13 and 14 of the report
6	Licensing provisions	X	***As notified against Category 2 of Appendix 3 to Schedule 2 of ITC(HS) Classification of Import / Export items, 2004-2009 under FT(D&R)) Act, 1992. And provisions notified by DGFT in Foreign Trade Policy and Handbook of Procedures, etc.***	X	***Same as above***	
7	Individual licensing	X	***Same as above***	X	***Same as above***	
8	General licensing	X	***Same as above***	X	***Same as above***	
9	Exceptions from licensing	X	***Same as above***	X	***Same as above***	
10	Licensing of deemed export/visa	X	***WMD Act 2005 Section 13(4)***	X	***WMD Act 2005 (Section 16)***	

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11	National licensing authority	X	***Directorate General of Foreign Trade (DGFT), Department of Commerce for items mentioned in Col.6 above.***	X	***1. FT(D&R) Act 1992 for civil penalties*** 2. The Customs Act, 1962 3. The Environment Protection Act, Section 15 4. Legislative provisions are in place under the relevant Acts for initiating quasi-judicial and departmental proceedings on the enforcement side. ***5. WMD Act 2005*** ***6. The Central Excise Act 1944***	
12	Interagency review for licenses	X	***Inter-Ministerial Working Group***	X	***same as above***	page 13 of the report
13	Control lists	X	***Indian Tariff Classification, Schedule 2, Appendix 3: SCOMET***	X	***same as above***	page 12 of the report
14	Updating of lists		***Notification No.15 (RE-05)/ 2004-2009, dated 15 July 2005***			
15	Inclusion of technologies	X	***1.WMD Act 2005 (Section 11)*** ***2. SCOMET includes technologies***	X	***WMD Act 2005 (Section 17)*** ***FT(D&R) Act, 1992***	page 12 of the report
16	Inclusion of means of delivery		***1. Indian Tariff Classification, Schedule 2, Appendix 3: SCOMET*** ***2. WMD Act 2005***	X	***Same as above***	
17	End-user controls	X	***SCOMET licenses require end-user certification***	X	***Same as above***	page 12 of the report
18	Catch all clause	X	***WMD Act 2005 (Section 11)***	X	***WMD Act 2005 (Secton 17)***	
19	Intangible transfers	X	***WMD Act 2005 (Section 13)***	X	***WMD Act 2005 (Secton 17)***	
20	Transit control	X	***1. WMD Act 2005 (Section 13)*** ***2. Foreign Trade Policy and Handbook of Procedure, 2004-2009 by DGFT*** ***3. The Customs Act 1962*** ***4. The Central Excise Act 1944***	X	***1. WMD Act 2005 (Section 17)*** ***2. FT(D&R) Act, 1992 for civil penalties***	
21	Trans-shipment control	X		X		
22	Re-export control	X		X		

23	Control of providing funds	X	*1. WMD Act 2005* ***2. Foreign Exchange Management Act 1999*** ***3. Prevention of Money Laundering Act 2002***	X	*1. WMD Act 2005* ***2. Foreign Exchange Management Act 1999*** ***3. Prevention of Money Laundering Act 2002***	
24	Control of providing transport services	X		X		
25	Control of importation	X	Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically Engineered Organisms and Cells of 1989.	X	The Environment Protection Act, 1986, Section 15.	page 6 of the report
26	Extraterritorial applicability	X	***1. WMD Act 2005 (Section 3)*** ***2. Foreign Exchange Management Act 1999***	X	***WMD Act 2005 (Section 17)***	
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **India**

Date of Report: **1 November 2004**

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		report
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. The Customs Act, 1962 2. ***The Central Excise Act 1944***	X	1. The Customs Act, 1962 ***2. The Central Excise Act 1944***	pages 13 and 14 of the report
2	Technical support of border control measures	X	***Customs laboratories are available at ports at the borders. Samples from laboratories could also be referred to other testing facilites if need be or in case of doubt.***			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	***WMD Act 2005 (Section 12)***	X	***WMD Act 2005 (Sections 14 and 15)***	
4	Enforcement agencies/authorities	X	***Directorate of Revenue Intelligence***	X	***Directorate of Revenue Intelligence and*** various agencies of the Government are empowered to enforce export control provisions	page 13 of the report

5	Export control legislation in place	X	1. The Explosive Substances Act 2. The Narcotic Drugs and Psychotropic Substances Act, 1985 3. The Environment Protection Act, 1986 4. The CWC Act, 2000 5. The Customs Act, 1962 6. The Arms Act, 1959 7. The Foreign Trade (Development and Regulation) Act, 1992 (No. 22 of 1992) 8. ***The Central Excise Act 1944*** ***9. WMD Act (Section 11)***	X	1. Customs Act, 1962 2. CWC Act 2000, Section 43 3. Legislative provisions are in place under the relevant Acts for initiating quasi-judicial, departmental proceedings on the enforcement side. ***4. FT(D&R) Act 1992 for Civil Penalties*** ***5. The Central Excise Act 1944*** ***6. WMD Act 2005 (Section 17)***	pages 5, 13 and 14 of the report
6	Licensing provisions	X	***As notified against Category 1 of Appendix 3 to Schedule 2 of ITC(HS) Classification of Import / Export items, 2004-2009 under FT(D&R)) Act, 1992. And provisions notified by DGFT in Foreign Trade Policy and Handbook of Procedures, etc. The industries engaged in chemical activities are registered with the State Pollution Control Board under the Environmental Protection Act.***	X	***Same as above And also WMD Act 2005 (Section16).***	
7	Individual licensing	X		X		
8	General licensing	X		X		
9	Exceptions from licensing	X		X		
10	Licensing of deemed export/visa		***WMD Act 2005 Section 13(4).***			
11	National licensing authority		***DGFT, Department of Commerce for items mentioned in Col. 6 above.***			
12	Interagency review for licenses	X	Inter-Ministerial Working Group			page 13 of the report
13	Control lists	X	Indian Tariff Classification, Schedule 2, Appendix 3: SCOMET			page 12 of the report

14	Updating of lists	X	***Notification No.15 (RE-05)/ 2004-2009, dated 15 July 2005***			
15	Inclusion of technologies	X	SCOMET includes technologies			page 12 of the report
16	Inclusion of means of delivery	X	***WMD Act 2005 (Section 8)***	X	***WMD Act 2005 (Section 14)***	
17	End-user controls	X	SCOMET licenses require end-user certification.			pages 5 and 12 of the report
18	Catch all clause	X	***WMD Act 2005 (Section 11)***	X	***WMD Act 2005 (Section 17)***	
19	Intangible transfers	X	***WMD Act 2005 Section 13(4)***	X	***WMD Act 2005 (Section 16)***	
20	Transit control	X	***1. WMD Act 2005 (Section 13) 2. Foreign Trade Policy and Handbook of Procedure, 2004-2009 by DGFT 3. The Customs Act 1962 4. The Central Excise Act 1944***	X	***1. WMD Act 2005 (Section 16) 2. FT(D&R) Act, 1992 for civil penalties***	
21	Trans-shipment control	X		X		
22	Re-export control	X		X		
23	Control of providing funds	X	1. Foreign Exchange Management Act (FEMA) 1999 2. Prevention of Money Laundering Act (PMLA) 2002	X	1. Foreign Exchange Management Act (FEMA) 1999 2. Prevention of Money Laundering Act (PMLA) 2002	
24	Control of providing transport services	X		X		
25	Control of importation	X	1. The CWC Act 2000 2. The Foreign Trade (Development and Regulation) Act, 1992	X	The CWC Act, 2000, Section 43	page 5 of the report

26 Extraterritorial applicability	X	1. *WMD Act 2005 (Section 3)* 2. *Foreign Exchange Management Act (FEMA) 1999*	X	*WMD Act 2005 (Sections 17 and 18)*			
27 Other							

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: India
Date of Report: 1 November 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		report
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. The Customs Act, 1962 ***2. The Central Excise Act 1944***	X	1. The Customs Act, 1962 ***2. The Central Excise Act 1944***	pages 13 and 14 of the report
2	Technical support of border control measures	X	***Customs laboratories are available at ports at the borders. Samples from laboratories could also be referred to other testing facilites if need be or in case of doubt.***			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	***WMD Act 2005 (Section 12)***	X	***WMD Act 2005 (Section 17)***	
4	Enforcement agencies/authorities	X	***1. Atomic Energy Act, 1962,*** ***2. The Foreign Trade (Development and Regulation) Act, 1992 ,*** ***3. The Customs Act, 1962*** ***4. The Central Excise Act 1944***	X	***Directorate of Revenue Intelligence and*** various agencies of the Government are empowered to enforce export control provisions	page 13 of the report

5	Export control legislation in place	X	1. The Explosive Substances Act 2. The Environment Protection Act, 1986 3. The Atomic Energy Act, 1962 4. The Customs Act, 1962 5. The Arms Act, 1959 6. The Foreign Trade (Development and Regulation) Act, 1992 ***7. WMD Act, 2005*** ***8. The Central Excise Act 1944***	X	1. Customs Act, 1962 2. Atomic Energy Act 1962 and rules, orders, and notifications, Section 24 3. Legislative provisions are in place under the relevant Acts for initiating quasi-judicial, departmental proceedings on the enforcement side. ***4. FT(D&R) Act, 1992*** ***5. WMD Act 2005*** ***6. The Central Excise Act 1944***	pages 8, 13 and 14 of the report
6	Licensing provisions	X	1. Atomic Energy Act, 1962, 2. The Foreign Trade (Development and Regulation) Act, 1992 ***As notified against Category 0, 3 & 4 of Appendix 3 to Schedule 2 of ITC(HS) Classification of Import / Export items, 2004-2009 under FT(D&R)) Act, 1992***	X	1. Atomic Energy Act, 1962 2 ***FT(D&R)) Act, 1992***	
7	Individual licensing	X	***1. Atomic Energy Act, 1962*** ***2. As notified against Category 0, 3 & 4 of Appendix 3 to Schedule 2 of ITC(HS) Classification of Import / Export items, 2004-2009 under FT(D&R)) Act, 1992***	X	***1. Atomic Energy Act, 1962*** ***2. FT(D&R)) Act, 1992***	
8	General licensing	X		X	***1. The Atomic Energy Act, 1962*** ***2. FT(D&R) Act, 1992***	
9	Exceptions from licensing	X	***1. Atomic Energy Act, 1962, does not provide exemption from licensing*** ***2. As notified against Category 0, 3 & 4 of Appendix 3 to Schedule 2 of ITC(HS) Classification of Import / Export items, 2004-2009 under FT(D&R) Act, 1992***	X	***1. The Atomic Energy Act, 1962*** ***2. FT(D&R) Act, 1992***	
10	Licensing of deemed export/visa	X	***WMD Act 2005 Section 13(4)***	X	***1. FT(D&R) Act, 1992*** ***2. WMD Act 2005 (Section 16)***	
11	National licensing authority	X	1) Department of Atomic Energy (DAE) 2. **DGFT, Department of Commerce**	X	***1. Atomic Energy Act 1962*** ***2. FT(D&R) Act, 1992***	page 11 of the report
12	Interagency review for licenses	X	Inter-Ministerial Working Group	X		page 13 of the report

13	Control lists	X	Indian Tariff Classification, Schedule 2, Appendix 3: SCOMET	X	*FT(D&R) Act, 1992*	page 12 of the report
14	Updating of lists	X	***SCOMET List: Notification No.15 (RE-05)/ 2004-2009, dated 15 July 2005***			*http://dgftcom.nic.in/*
15	Inclusion of technologies	X	1. SCOMET includes technologies ***2. WMD Act 2005*** ***3. Atomic Energy Act 1962***	X	*FT(D&R) Act, 1992*	page 12 of the report
16	Inclusion of means of delivery	X	***1. SCOMET includes means of delivery*** ***2. Indian Tariff Classification, Schedule 2, Appendix-3*** ***3. WMD Act 2005 (Section 8)***	X	***1. WMD Act 2005 (Sections 14 and 15)*** ***2. FT(D&R) Act, 1992***	
17	End-user controls	X	1. SCOMET licenses require end-user certification			page 12 of the report
18	Catch all clause	X	***1. Atomic Energy Act, 1962*** ***2. WMD Act, 2005 (Sections 11 and 13)***		***1. Atomic Energy Act, 1962*** ***2. WMD Act, 2005 (Section 16 and 17)***	
19	Intangible transfers	X		X		
20	Transit control	X	***1. WMD Act, 2005*** ***2. Foreign Exchange Management Act (FEMA) 1999 (for columns 23/24)*** ***3. Prevention of Money Laundering Act (PMLA) 2002 (for columns 23/24)*** ***4. The Customs Act 1962*** ***5. The Central Excise Act 1944***	X	***1. Atomic Energy Act, 1962*** ***2. WMD Act, 2005 (Section 17)*** ***3. For column 20 -22 - FT(D&R) Act, 1992***	
21	Trans-shipment control	X		X		
22	Re-export control	X		X		
23	Control of providing funds	X		X		
24	Control of providing transport services	X		X		
25	Control of importation	X	1. The Atomic Energy Act, 1962 ***2. FT (D&R) Act 1992***	X		page 8 of the report
26	Extraterritorial applicability	X	***1. WMD Act, 2005 (Section 3)*** 2. Foreign Exchange Management Act (FEMA) 1999	X		
27	Other					

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **India**

Date of Report: **1 November 2004**

	Can information be provided on the following issues ?	YES				report
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET)			***http://dgftcom.nic.in/*** page 12 of the report
2	Control lists - other	X	1. Lists of micro-organisms for bio-safety ***2. "Nuclear materials, nuclear related other materials, equipment and technology" issued by Department of Atomic Energy, and is included as Category '0' in SCOMET List.*** ***3. 1989 Rules for the manufacture, use, import, export and storage of hazardous microorganisms/genetically engineered organisms or cells.***			page 8 of the report
3	Assistance offered	X	Has conducted a training course under the 'AEA aegis on physical protection of nuclear installations and is willing to offer its expertise to regularly conduct similar training courses in future and as regional training center.			page 9 of the report
4	Assistance requested		***NIL***			
5	Assistance in place (bilateral/plurilateral/multilateral)	X	***India has offered to the OPCW legal assistance for other members to draft CWC related legislation.***			

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6 Information for industry	X	1. The National Authority and the Department of Chemicals and Petrochemicals raise awareness and routinely conduct seminars among the chemical units in the country to generate awareness about the CWC. 2. Relevant agencies interact with industry to increase awareness regarding the BWC. 3. The relevant Departments of the Government routinely conduct outreach seminars to increase awareness among the exporter community. These may be region-wise or sector-specific and may include open house meets and personal interviews. ***4. DGFT along with other Departments is conducting Industry outreach Seminars to increase awareness among the exporter community. These may be region-wise or sector-specific and may include open house meets and personal interviews.***				pages 5, 6 and 14 of the report
7 Information for the public	X	Dissemination of information about existing rules and regulations and any changes therein is also done through electronic means.				page 14 of the report